

jnu.law.ecf@alaska.gov

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT JUNEAU

THE ALASKA LEGISLATIVE )  
COUNCIL, on behalf of THE ALASKA )  
STATE LEGISLATURE, )

Plaintiff, )

v. )

HONORABLE MICHAEL J. )  
DUNLEAVY, in his official capacity as )  
Governor for the State of Alaska, KELLY )  
TSHIBAKA, in her official capacity as )  
Commissioner of Administration for the )  
State of Alaska, and MICHAEL )  
JOHNSON, in his official capacity as )  
Commissioner of Education and Early )  
Development for the State of Alaska, )

Defendants. )

**COPY**  
Original Received

JUL 16 2019

Clerk of the Trial Courts

Case No.: 1JU-19-00753\_CI

**JOINT MOTION AND PROPOSED ORDER REGARDING FISCAL YEAR 2020  
EDUCATION FUNDING PENDING RESOLUTION OF LITIGATION**

**JOINT MOTION**

The Plaintiff, Legislative Council, and the Defendants, Governor Michael J. Dunleavy, Commissioner Kelly Tshibaka, and Commissioner Michael Johnson, representing respectively the legislative and executive branches of Alaska's state government, have a substantial disagreement regarding an important constitutional question which, under the Alaska Constitution, requires resolution by the judicial branch. The question concerns the constitutionality of appropriations for education spending for fiscal year 2020 (FY20) enacted by an appropriation bill passed in 2018 (HB 287, secs. 4, 5(c), and 5(d), ch. 6, SLA 2018). The Legislative Council maintains

1 the appropriations are lawful and that Defendants should execute the appropriations and  
2 distribute the state funds to school districts in FY20 according to the appropriations. The  
3 Governor, on the advice of the Attorney General, maintains that the appropriations are  
4 unconstitutional and thus there is no lawful appropriation authorizing the release of state  
5 funds to school districts for FY20.

7 The Plaintiff and the Defendants, however, recognize the importance not only of  
8 the constitutional question presented to the Court in this matter, but ensuring that  
9 Alaska's schools timely receive state funding while this litigation proceeds.

10 Accordingly, without prejudice to their respective legal positions in this case, the  
11 parties request that the Court enter this stipulated order providing for monthly  
12 disbursement from the state's general fund to the public education fund (AS 14.17.300)  
13 for disbursement to school districts of an amount necessary to fund the total amount of  
14 state aid calculated under the public school funding formula under AS 14.17.410(b) and  
15 the pupil transportation funding formula under AS 14.09.010 until the Court enters a  
16 final judgment, or June 30, 2020, whichever occurs first. State aid to school districts  
17 should then be distributed to school districts in accordance with AS 14.17.610 until the  
18 Court enters a final judgment, or June 30, 2020, whichever occurs first. Without  
19 prejudice to the Plaintiffs' claims for relief, the monthly disbursements will not include  
20 the additional \$30 million in school district grants for FY20 also enacted in the 2018  
21 appropriation law in section 4, ch. 6, SLA 2018.

22 The parties intend by separate motion to submit a proposed order with a briefing  
23 *Alaska Legislative Council v. Dunleavy, et al.* Case No. 1JU-19-\_\_\_\_ CI  
24 JOINT MOTION RE EDUCATION FUNDING  
25 PENDING RESOLUTION OF LITIGATION  
26

1 schedule for expedited consideration of this suit.

2  
3  
4  
5 DATED: July 16, 2019.

PLAINTIFF'S COUNSEL

6  
7 By:



Megan A. Wallace, Bar No. 1205024  
Director

8  
9 Alaska State Legislature, Legislative  
Affairs Agency  
10 Division of Legal and Research Services  
State Capitol  
11 Juneau, AK 99801  
12 Megan.Wallace@akleg.gov  
13 (907) 465-2450



14 Hilary V. Martin, Bar No. 0505039  
15 Assistant Revisor of Statutes  
16 Alaska State Legislature, Legislative  
Affairs Agency  
17 Division of Legal and Research Services  
State Capitol  
18 Juneau, AK 99801  
Hilary.Martin@akleg.gov  
19 (907) 465-2450

20 *Attorneys for the Alaska Legislative  
Council*

21  
22 DATED: July 8, 2019.

KEVIN G. CLARKSON  
ATTORNEY GENERAL

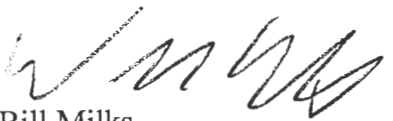
23  
24 By:



25  
26 *Alaska Legislative Council v. Dunleavy, et al.*  
JOINT MOTION RE EDUCATION FUNDING  
PENDING RESOLUTION OF LITIGATION

Case No. 1JU-19-\_\_\_\_ CI

Margaret Paton-Walsh  
Alaska Bar No. 0411074  
Email: margaret.paton-walsh@alaska.gov  
Telephone: (907) 269-5100



Bill Milks  
Alaska Bar No. 0411094  
Email: bill.milks@alaska.gov  
Telephone: (970) 465-3600

*Attorneys for Defendant*

### ORDER

IT IS HEREBY ORDERED for good cause and in the public interest that the joint motion is granted and that while this matter is pending before the court, state funding for education shall be disbursed from the state's general fund to the public education fund (AS 14.17.300) on a monthly basis based on the calculation of the amount necessary to fund the total amount of state aid calculated under the public school funding formula under AS 14.17.410(b) and the pupil transportation funding formula under AS 14.09.010. The Defendants shall distribute state aid to school districts in accordance with AS 14.17.610 until this Court enters a final order in this matter, or June 30, 2020, whichever occurs first.

DATED: \_\_\_\_\_, 2019.

\_\_\_\_\_  
Superior Court Judge

*Alaska Legislative Council v. Dunleavy, et al.*  
JOINT MOTION RE EDUCATION FUNDING  
PENDING RESOLUTION OF LITIGATION

Case No. 1JU-19-\_\_\_\_ CI